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5th MARCH, 1804.

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Read the first and second time, and ordered to be committed to a committee of the whole House, on Thursday next.

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## A B I L L

*Making provision for the disposal of the public lands in the Indiana Territory, and for other purposes.*

1     **Be it enacted**, by the Senate and House of Representatives  
2     of the United States of America, in Congress assembled, That  
3     the powers vested by law in the surveyor general, shall extend over  
4     all the public lands of the United States to which the Indian title  
5     has been or shall hereafter be extinguished, north of the river  
6     Ohio, and east of the river Mississippi ; and it shall be the duty of  
7     the said surveyor general, to cause the said lands to be surveyed  
8     into townships, six miles square, and divided in the same manner  
9     and under the same regulations, and to do and perform all such  
10    other acts in relation to the said lands, as is provided by law in re-

11 lation to the lands of the United States, situate north west of the  
 12 river Ohio and above the mouth of Kentucky river: *Provided*,  
 13 That the whole expense of surveying and marking the lines shall  
 14 not exceed four dollars for every mile that shall be actually ran,  
 15 surveyed and marked: *And provided also*, That such tracts of  
 16 land as are lawfully claimed by individuals within the said bound-  
 17 aries, and the title whereto has been or shall be recognized by the  
 18 United States, shall be laid out and surveyed at the expense of  
 19 the parties respectively, in conformity with the true boundaries of  
 20 such tracts. And it shall also be the duty of the said surveyor  
 21 general to cause to be run, surveyed and marked such of the  
 22 Indian boundary lines of the said lands as have not yet been sur-  
 23 veyed; and with the approbation of the President of the United  
 24 States to ascertain by astronomical observations the positions of  
 25 such places north of the river Ohio and east of the river Mississippi,  
 26 as may be deemed necessary for the correctness of the surveys,  
 27 and to be the most important points of the geography of the  
 28 country.

1 ~~Sec. 2.~~ *And be it further enacted*, That for the disposal of the  
 2 lands of the United States north of the river Ohio and east of the  
 3 river Mississippi, in the Indiana territory three land offices shall  
 4 be established in the same, one at Detroit for the lands lying north  
 5 of the state of Ohio to which the Indian title has been extinguish-  
 6 ed; one at Vincennes for the lands to which the Indian title has  
 7 been extinguished, and which are included within the boundaries

fixed by the treaty lately held with the Indian tribes of the Wash-  
 bash; and one at Kaskaskia, for so much of the lands included  
 within the boundaries fixed by the treaty of the thirteenth of Au-  
 gust, one thousand eight hundred and three, with the Kaskaskia  
 tribe of Indians, as is not claimed by any other Indian tribe: and  
 for each of the said offices a register and a receiver of public mo-  
 nies shall be appointed, who shall give security in the same man-  
 ner, and in the same sums, and whose compensation, and emolu-  
 ments, and duties, and authority, shall, in every respect, be the  
 same in relation to the lands which shall be disposed of at their  
 offices, as are or may be by law provided, in relation to the re-  
 gisters and the receivers of public monies in the several offices  
 established for the disposal of the lands of the United States north  
 of the river Ohio, and above the mouth of Kentucky river.

SECT. 3. *And be it further enacted,* That every person claiming  
 lands within any of the three tracts of land described in the pre-  
 ceding section, by virtue of any legal grant made by the French  
 government, prior to the treaty of Paris, of the tenth February, one  
 thousand seven hundred and sixty-three, or of any legal grant  
 made by the British government, subsequent to the said treaty,  
 and prior to the treaty of peace between the United States and  
 Great Britain, of the third September, one thousand seven hun-  
 dred and eighty-three, or of any resolution, or act of congress,  
 subsequent to the said treaty of peace, shall, on or before the first  
 day of January, one thousand eight hundred and five, deliver to

12 the register of the land office, within whose district the land may  
 13 lie, a notice in writing, stating the nature and extent of his claims,  
 14 together with a plot of the tract or tracts claimed, and may also, on  
 15 or before that day, deliver to the said register, for the purpose of  
 16 being recorded every grant, order of survey, deed, conveyance, or  
 17 other written evidence of his claim; and the same shall be recorded  
 18 by the said register, in books to be kept for that purpose, on re-  
 19 ceiving from the parties at the rate of twelve and a half cents, for  
 20 every hundred words contained in such written evidence of their  
 21 claim; and if such person shall neglect to deliver such notice, in  
 22 writing, of his claim, or to cause to be recorded such written evi-  
 23 dence of the same, all his right, so far as the same is derived from  
 24 any resolution or act of congress, shall become void, and forever  
 25 be barred.

1     SECT. 4. *And be it further enacted,* That the register, and re-  
 2 ceiver of public monies, of the three above mentioned land offices,  
 3 shall, for the lands respectively lying within their districts, be com-  
 4 missioners for the purpose of examining the claims of persons  
 5 claiming lands by virtue of the preceding sections. Each of the  
 6 said commissioners shall, previous to entering on the duties of his  
 7 appointment, respectively, take and subscribe the following oath or  
 8 affirmation, before some person qualified to administer the same,  
 9     “ I, \_\_\_\_\_ do solemnly swear, (or affirm) that  
 10 I will impartially exercise and discharge the duties imposed upon  
 11 me, as commissioner for examining the claims to land, by an act

12 of congress, entitled, " An act making provision for the disposal  
 13 of the public lands in the Indiana territory, and for other pur-  
 14 poses."

15 It shall be the duty of the said commissioners to meet at the  
 16 places where the said land offices are by this act established,  
 17 respectively, on or before the first day of January one thousand  
 18 eight hundred and five ; and each board shall, in their respective  
 19 districts, have power to hear in a summary manner all matters  
 20 respecting such claims ; also to compel the attendance of wit-  
 21 nesses, to administer oaths, and examine witnesses, and such other  
 22 testimony as may be adduced, and to decide thereon according to  
 23 justice and equity, which decision shall be laid before congress in  
 24 the manner herein after directed, and be subject to their decision  
 25 thereon. **The said boards, respectively, shall have power to**  
 26 appoint a clerk, whose duty it shall be to enter in a book to be  
 27 kept for that purpose, full and correct minutes of their proceed-  
 28 ings and decisions, together with the evidence on which such  
 29 decisions are made ; which books and papers, on the dissolution  
 30 of the boards, shall be deposited in the respective offices of the  
 31 registers of the land offices ; and the said clerk shall prepare two  
 32 transcripts of all the decisions made by the said commissioners in  
 33 favor of the claimants to land, both of which shall be signed by  
 34 the said commissioners, and one of which shall be transmitted to  
 35 the surveyor general, and the other to the secretary of the treasu-  
 36 ry ; and the lands the claims to which shall have been thus

37 affirmed by the commissioners, shall not be otherwise disposed of  
 38 until the decision of congress thereupon shall have been made.  
 39 It shall likewise be the duty of the said commissioners to make to  
 40 the secretary of the treasury a full report of all the claims filed  
 41 with the register of the proper land office, as above directed,  
 42 which they may have rejected, together with the substance of the  
 43 evidence adduced in support thereof, and such remarks thereon  
 44 as they may think proper: which reports, together with the  
 45 transcripts of the decisions of the commissioners in favor of claim-  
 46 ants, shall be laid by the secretary of the treasury before congress  
 47 at their next ensuing session. Each of the commissioners and,  
 48 clerks aforesaid, shall be allowed a compensation of five hundred  
 49 dollars in full for his services as such; and each of the said clerks  
 50 shall, previous to his entering on the duties of his office, take  
 51 and subscribe the following oath or affirmation, to wit: "I  
 52                   do solemnly swear (or affirm) that I will truly and  
 53 faithfully discharge the duties of a clerk to the board of com-  
 54 missioners for examining the claims to land, as enjoined by an  
 55 act of congress, entitled "An act making provision for the dispo-  
 56 sal of the public lands in the Indiana territory, and for other  
 57 purposes."

1     SECT. 5. *And be it further enacted,* That all the lands afore-  
 2 said, not excepted by virtue of the preceding section, shall, with  
 3 the exception of the section "number sixteen," which shall be  
 4 reserved in each township for the support of schools within the

5 same, with the exception also of an entire township in each of the  
 6 three above described tracts of country or districts, to be located  
 7 by the secretary of the treasury, for the use of a seminary of learn-  
 8 ing, and with the exception also of the salt springs and lands re-  
 9 served for the use of the same as herein after directed, be offered  
 10 for sale to the highest bidder, under the direction of the surveyor  
 11 general or governor of the Indiana territory, of the register of the  
 12 land office, and of the receiver of public monies, at the places res-  
 13 pectively, where the land offices are kept, and on such day or days  
 14 as shall, by a public proclamation of the President of the United  
 15 States, be designated for that purpose. The sales shall remain  
 16 open at each place for three weeks and no longer: the lands  
 17 shall not be sold for less than two dollars an acre, and shall in  
 18 every other respect, be sold in tracts of the same size and on the  
 19 same terms and conditions, as was or may be by law provided for  
 20 the lands sold north of the river Ohio and above the mouth of  
 21 Kentucky river. All lands, other than those excepted as above-  
 22 mentioned, remaining unsold at the closing of the public sales, may  
 23 be disposed of at private sale, by the registers of the respective  
 24 land offices in the same manner, under the same regulations, for  
 25 the same price, and on the same terms and conditions, as is or  
 26 may be provided by law for the sale of the lands of the United  
 27 States north of the river Ohio and above the mouth of Kentucky  
 28 river. And patents shall be obtained for all lands granted or  
 29 sold in the Indiana territory, in the same manner and on the same

30 terms as is or may be provided by law for lands sold in the state  
31 of Ohio, and in the Mississippi territory.

1     SECT. 6. *And be it further enacted*, That all the navigable  
2 rivers, creeks and waters, within the Indiana territory, shall be  
3 deemed to be and remain public highways; and the several salt-  
4 springs in the said territory, together with as many contiguous  
5 sections to each, as shall be deemed necessary by the President  
6 of the United States, shall be reserved for the future disposal of  
7 the United States: And any grant which may be made for a  
8 tract of land, containing a salt spring which had been discovered  
9 previous to the purchase of such tract from the United States,  
10 shall be considered as fraudulent and null.

1     SECT. 7. *And be it further enacted*, That the several provi-  
2 sions made in favor of persons who had contracted for lands with  
3 John Cleves Symmes and his associates, by an act entitled "An  
4 act to extend and continue in force the provisions of an act en-  
5 titled "An act giving a right of pre-emption to certain persons,  
6 who have contracted with John Cleves Symmes or his associates,  
7 for lands lying between the Miami rivers in the territory north  
8 west of the Ohio, and for other purposes," shall be and the same  
9 are hereby continued in force until the first day of June next;  
10 *Provided*, That the register of the land office and receiver of  
11 public monies at Cincinnati shall perform the same duties, exer-  
12 cise the same powers, and enjoy the same emoluments, which, by  
13 the last recited act were enjoined on or vested in the commission-

14 ers designated by the said act: *And provided also*, That no cer-  
 15 tificate for a right of pre-emption shall be granted, except in favor  
 16 of persons who had, before the first day of January, one thou-  
 17 sand eight hundred, made contracts in writing with John Cleves  
 18 Symmes or with any of his associates, *and* who had made to him  
 19 or them any payment or payments of money for the purchase of  
 20 such lands; nor unless at least one twentieth part of the pur-  
 21 chase money of the land claimed, shall have previously been  
 22 paid to the receiver of public monies. And every person who  
 23 shall obtain a certificate of pre-emption, shall be allowed until the  
 24 first day of January next, to complete the payment of his first  
 25 instalment.

1 SECT. 8. *And be it further enacted*, That every person who  
 2 may have obtained or shall hereafter obtain, from the commission-  
 3 ers, a certificate of a right of pre-emption for lands lying between  
 4 the two Miami rivers, on account of contracts with or purchase  
 5 from John Cleves Symmes or his associates, shall, provided he  
 6 has paid or shall before the first day of January next, pay his  
 7 first instalment, be permitted to pay the residue of the purchase  
 8 money in six annual equal payments.

1 SECT. 9. *And be it further enacted*, That the sections and frac-  
 2 tional sections of the lands of the United States northwest of the  
 3 river Ohio, and above the mouth of Kentucky river, (other  
 4 than the section "number sixteen," and than the reservations  
 5 for salt springs) which had heretofore been reserved for the fu-

6 ture disposal of the United States, shall after having been  
 7 offered for sale to the highest bidder, in the manner herein after  
 8 directed, be sold in the same manner and upon the same terms  
 9 as is or may be by law provided for the other public lands with-  
 10 in the same boundaries: And fractional sections of the public  
 11 lands of the United States, either north of the river Ohio, or  
 12 south of the state of Tennessee, shall, under the directions of the  
 13 secretary of the treasury, be either sold singly, or by uniting two  
 14 or more together, any act to the contrary notwithstanding: *Pro-*  
 15 *vided*, That no fractional sections shall be sold in that manner  
 16 until after they shall have been offered for sale to the highest  
 17 bidder in the manner herein after directed.

1     SECT. 10. *And be it further enacted*, That all the public lands  
 2 of the United States, the sale of which is authorized by law,  
 3 may, after they shall have been offered for sale to the highest  
 4 bidder in quarter sections, as herein after directed, be purchased  
 5 at the option of the purchaser, either in entire sections, in half  
 6 sections, or in quarter sections; in which two last cases the sec-  
 7 tions shall be divided into half sections by lines running due  
 8 north and south, and the half sections shall be divided into quar-  
 9 ter sections by lines running due east and west. And in every  
 10 instance in which a subdivision of the lands of the United States,  
 11 as surveyed in conformity with law, shall be necessary to ascer-  
 12 tain the boundaries or true contents of the tract purchased, the  
 13 same shall be done at the expense of the purchaser.

1     SECT. 11. *And be it further enacted,* That no interest shall be  
 2 charged on any instalment which was or may hereafter become  
 3 due, in payment of any of the public lands of the United States,  
 4 wherever situated, the sale of which is authorised by law, and  
 5 which have been sold in pursuance of the act, entitled "An act  
 6 to amend the act, entitled 'An act providing for the sale of the lands  
 7 of the United States, in the territory north west of the Ohio, and  
 8 above the mouth of Kentucky river," or which may hereafter  
 9 be sold by virtue of that, or of any other act of Congress: *Provid-*  
 10 *ed,* That such instalment has been or shall be paid on the day on  
 11 which the same had or shall become due; but the interest shall be  
 12 charged and demanded in conformity with the provisions heretofore  
 13 in force, from the date of the purchase, on each instalment which  
 14 has not been or shall not be paid on the day on which the same  
 15 became or shall become due; credit shall be given on account of  
 16 their subsequent instalments, to persons entitled to the benefit  
 17 of this section, for the interest which has been charged to and paid  
 18 by them on any former instalment; and certificates receivable in  
 19 payment for lands, shall, under the direction of the secretary of the  
 20 treasury, be granted by the receivers of public monies, to persons  
 21 entitled to the benefit of this section, and who may have previously  
 22 completed their payments, for a sum equivalent to the interest  
 23 which has been charged to them, and from the payment of which  
 24 they are exonerated by virtue of this section.

1     SECT. 12. *And be it further enacted,* That the sections which had  
 2     been heretofore reserved, and are by this act directed to be sold,  
 3     also the fractional sections, classed as is by the ninth section of this  
 4     act directed, and all the other lands of the United States, north  
 5     of the Ohio, and above the mouth of Kentucky river, shall be  
 6     offered for sale in quarter sections, to the highest bidder, under the  
 7     directions of the register of the land office, and of the receiver of  
 8     public monies, at the places respectively where the land offices are  
 9     kept, that is to say: the lands in the districts of Chilicothe and  
 10    Marietta, on the last Monday of April; the lands in the district  
 11    of Zanesville, on the third Monday of May; and the lands in the  
 12    districts of Cincinnati and Steubenville, on the second Monday of  
 13    June. The sales shall remain open at each place no longer than  
 14    three weeks; the lands which may be thus sold, shall not be sold  
 15    for less than two dollars per acre, and shall in every other respect  
 16    be sold on the same terms and conditions, as is provided for the  
 17    sale of lands sold at private sale. And all the other public lands  
 18    of the United States, either north of the Ohio or south of the state  
 19    of Tennessee, which are directed to be sold at public sale, shall be  
 20    offered for sale to the highest bidder, in quarter sections.

1     SECT. 13. *And be it further enacted,* That whenever any of the  
 2     public lands shall have been surveyed in the manner directed by  
 3     law, they shall be divided by the secretary of the treasury into  
 4     convenient surveying districts, and a deputy surveyor shall, with  
 5     the approbation of the said secretary, be appointed for each dis-

6 trict, who shall take an oath or affirmation truly and faithfully to  
 7 perform the duties of his office ; and whose duty it shall be to run  
 8 and mark such lines as may be necessary for subdividing the  
 9 lands surveyed as aforesaid, into sections, half sections, or quarter  
 10 sections, as the case may be, to ascertain the true contents of  
 11 such subdivisions ; and to record on book, kept for that purpose,  
 12 the surveys thus made. The surveyor general shall furnish each  
 13 deputy surveyor with a copy of the plat of the townships, and frac-  
 14 tional parts of townships contained in his district, describing the  
 15 subdivisions thereof, and the marks of the corners. Each deputy  
 16 surveyor shall be entitled to receive from the purchaser of any  
 17 tract of land, of which a line or lines shall have been run and  
 18 marked by him, at the rate of three dollars for every mile thus  
 19 surveyed and marked, before he shall deliver to him a copy of  
 20 the plat of such tract stating its contents. The fees payable by  
 21 virtue of former laws for surveying expenses shall, after the first  
 22 day of July next, be no longer demandable from and paid by the  
 23 purchasers. And no final certificate shall thereafter be given by  
 24 the register of any land office to the purchaser of any tract of  
 25 land, all the lines of which shall not have been run and the con-  
 26 tents ascertained by the surveyor general or his assistants, unless  
 27 such purchaser shall lodge with the said register a plat of such  
 28 tract, certified by the district surveyor.

1     SECT. 14. *And be it further enacted,* That from and after the  
 2 first day of April next, each of the registers and receivers of pub-

3 lic monies of the several land offices established by law, either  
 4 north of the river Ohio or south of the state of Tennessee, shall,  
 5 in addition to the commission heretofore allowed, receive one half  
 6 per cent. on all the monies paid for public lands sold in their re-  
 7 spective offices, and an annual salary of five hundred dollars, the  
 8 register and receiver of the land office at Marietta excepted, the  
 9 annual salary of whom shall be only two hundred dollars. And  
 10 from and after the same day the fees payable by virtue of former  
 11 laws, to the registers of the several land offices, for the entry of  
 12 lands and for certificates of monies paid, shall no longer be de-  
 13 mandable from nor paid by the purchasers of public lands. And  
 14 it shall be the duty of the secretary of the treasury to cause, at  
 15 least once every year, the books of the officers of the land offices  
 16 to be examined, and the balance of public monies in the hands of  
 17 the several receivers of public monies of the said offices to be as-  
 18 certained.

1 SECT. 15. *And be it further enacted,* That from and after the  
 2 first day of April next, the fees heretofore payable for patents for  
 3 lands, shall no longer be paid by the purchasers. And it shall be  
 4 the duty of every register of a land office, on application of the  
 5 party, to transmit, by mail, to the register of the treasury, the  
 6 final certificate granted by such register to the purchaser of any  
 7 tract of land sold at his office: and it shall be the duty of the  
 8 register of the treasury, on receiving any such certificate, to ob-  
 9 tain and transmit, by mail, to the register of the proper land office,

10 the patent to which such purchaser is entitled : but, in every such  
 11 instance, the party shall previously pay to the proper deputy post  
 12 master, the postage accruing on the transmission of such certificate  
 13 and patent.

1     SECT. 16. *And be it further enacted,* That the President of the  
 2 United States shall have full power to appoint and commission  
 3 the several registers and receivers of public monies of the land  
 4 offices established by this act, in the recess of congress ; and their  
 5 commissions shall continue in force until the end of the session of  
 6 congress next ensuing such appointment.

1     SECT. 17. *And be it further enacted,* That the several superin-  
 2 tendents of the public sales directed by this act, shall receive six  
 3 dollars each, for each day's attendance on the said sales.

1     SECT. 18. *And be it further enacted,* That a sum, not exceeding  
 2 twenty thousand dollars, be, and the same is hereby appropriated,  
 3 for the purpose of carrying this act into effect ; which sum shall  
 4 be paid out of any unappropriated monies in the treasury.